

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

OP.No. 15243 of 1997(M)

PETITIONER:

1. M/S.THOMSON TOOLS LTD.,
MUNICIPAL COMPLEX BUILDING,
PALA, REP. BY ITS MANAGING DIRECTOR,
JOSEPH THOMAS, URUMBATH HOUSE,
VALAPPAD.
2. JOSEPH THOMAS, AGED 57 YEARS,
URUMBATH HOUSE, VALLAPPAD,
PALA.

BY ADV. SRI.T.V.VARGHESE,THOMAS MICHAEL

RESPONDENTS:

1. UNION OF INDIA, REP. BY SECRETARY TO
MINISTRY OF FINANCE, GOVERNMENT OF INDIA,
NEW DELHI.
2. STATE BANK OF INDIA, PALA BRANCH.
3. DEBT RECOVERY TRIBUNAL, SPENCERS TOWERS,
6TH FLOOR, 770-A, ANNA SALAI, CHENNAI-600 002.

R1 BY ADV. SRI.MATHEWS.J.NEDUMPARA (ACGSC)

R2 BY ADV. SRI.GEORGE THOMAS

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF PLAINT IN O.S. 143/1995 OF THE SUB COURT, PALA.

P2: TRUE COPY OF WRITTEN STATEMENT FILED BY THE PETITIONER.

P3: TRUE COPY OF NOTICE OF R3 DT.19.8.97.

RESPONDENT'S EXHIBITS:

R2(a): TRUE PHOTOCOPY OF LETTER SENT BY 1ST PETITIONER TO R2 DT.9.1.92.

R2(b): TRUE PHOTOCOPY OF LETTER SENT BY 1ST PETITIONER TO M/S.KSIDC DT.20.3.92.

R2(c): TRUE PHOTOCOPY OF LETTER SENT BY GEORGE THOMAS MOOZHAYIL TO R2
DT.1.10.94.

R2(d): .DO. BY MARIAMMA GEORGE TO 2ND PETITIONER DT.7.10.94.

R2(e): TRUE PHOTOCOPY OF ORDER IN T.P. 659-667/95 OF SUPREME COURT DT.18.3.96.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
O.P. No.15243 of 1997
.....

Dated this the 9th day of February, 2007.

JUDGMENT

Since the issue raised i.e. constitutional validity of Recovery of Debts due to Banks and Financial Institutions Act, 1993, is upheld by the Supreme court, the O.P. is dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms